

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Vector Fabrication Inc.  
1629 Watson Court  
Milpitas, California  
95035

Respondent.

Docket HWCA 20040580

STIPULATION AND ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control  
(Department) and Vector Fabrication Inc. (Respondent) enter into  
this Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the Enforcement Order  
issued by the Department on December 4, 2004. (Attached as  
Exhibit 1.)

2. The parties wish to avoid the expense of further  
litigation and to ensure prompt action to achieve the Schedule  
for Compliance below.

3. Jurisdiction exists pursuant to Health and Safety  
Code section 25187.

4. Respondent waives any right to a hearing in this  
matter.

5. This Order shall constitute full settlement of the  
violations alleged in the Enforcement Order, but does not limit

the Department from taking appropriate enforcement action concerning other violations.

SCHEDULE FOR COMPLIANCE

6. The violations have been corrected.

PAYMENTS

7. Within 30 days of the effective date of this Order, Respondent shall pay the Department a total of \$6,000 of which \$464.00 is reimbursement of the Department's costs.

7.1 The penalty shall be reduced by \$2,000 if, and only if, Respondent sends at least one employee to the California Compliance School, Modules I - V, and submits to the Department, within 180 days of the effective date of this Stipulation and Order, Certificate of Satisfactory Completion thereof.

7.2 \$4,000 of the above penalty is due and payable within thirty days of the effective date of this Stipulation and Order.

7.3 In the event that the above Certificate of Satisfactory Completion is not received by the Department within 180 days of the effective date of this Stipulation and Order, the entire remaining balance of \$2,000 shall then become due and payable.

7.4 Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Mr. Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

and: Mr. James Grace  
Office of Legal Counsel  
Department of Toxic Substances Control  
1001 I Street  
P. O. Box 806  
Sacramento, California 95812-0806

7.2 If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### OTHER PROVISIONS

8.1. Additional Enforcement Actions: By agreeing to this Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Order.

8.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such

failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

8.3 Parties Bound: This Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

8.4. Effective Date: The effective date of this Order is the date it is signed by the Department.

8.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

8.6. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

Dated: February 25, 2005      Original signed by Quang Luong  
By Quang Luong, President  
Vector Fabrication, Inc

Dated: February 28, 2005      Original signed by Charles A. McLaughlin  
Charles A. McLaughlin, Chief  
State Oversight & Enforcement Branch  
Statewide Compliance Division  
Department of Toxic Substances Control